



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
March 1, 2021 14:08

By: ERIC HENRY 0086750

Confirmation Nbr. 2192516

BENJAMIN SYNBORSKI

CV 21 944572

vs.

Judge: RICHARD A. BELL

AEG PRESENTS LLC, ET AL.

Pages Filed: 8



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Benjamin Synborski

Case Number: _____

Plaintiff

Date: 3/1/2021

Vs.

AEG Presents LLC, et al.

Defendant

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☒ 1310 Motor Vehicle Accident
☐ 1314 Consumer Action
☐ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
☐ Less than \$25,000
☒ Prayer Amount over \$25,000

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☐ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

The Henry Law Firm

Eric W. Henry

Firm Name (Print or type)

Attorney of Record (Print or Type)

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Signature

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

BENJAMIN SYNBORSKI
4199 Reed Rd
Livonia, New York 14487

Plaintiff,

V.

AEG PRESENTS LLC
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

AEG PRESENTS OHIO, LLC
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

THE ANSCHUTZ CORPORATION
c/o CT Corporation System
7700 E. Arapahoe Rd.
Suite 220
Centennial CO 80112-1268

and

**ANSCHUTZ ENTERTAINMENT
GROUP, INC.
c/o CT Corporation System
7700 E. Arapahoe Rd.
Suite 220
Centennial CO 80112-1268**

Defendants.

CASE No.

JUDGE

COMPLAINT

**JURY DEMAND ENDORSED
HEREON**

Now comes Plaintiff Benjamin Synborski, by and through counsel, and for his Complaint against Defendants states as follows.

NATURE OF ACTION AND JURISDICTION

1. This is an action for serious personal injuries sustained by Plaintiff on November 15, 2019 when he was injured by Defendants' employees at the Agora Theater & Ballroom, located at 5000 Euclid Avenue, Cleveland, Ohio.
2. Plaintiff suffered serious injuries, including a right acute oblique fracture of the distal fibula requiring surgery to repair.
3. All the events described herein occurred in Cuyahoga County, Ohio.

AEG Presents LLC

4. Upon information and belief, Defendant AEG Presents LLC is a Delaware Corporation registered to conduct business in Ohio.
5. Upon information and belief, Defendant AEG Presents LLC owned, operated, managed, maintained, and/or conducted business at the Agora Theater & Ballroom on November 15, 2019.
6. Upon information and belief, Defendant AEG Presents LLC employed individuals at the Agora Theater & Ballroom, including the security personnel who caused the injury to Plaintiff, on November 15, 2019.

AEG Presents Ohio, LLC

7. Upon information and belief, Defendant AEG Presents Ohio, LLC is a Delaware Corporation registered to conduct business in Ohio.

8. Upon information and belief, Defendant AEG Presents Ohio, LLC owned, operated, managed, maintained, and/or conducted business at the Agora Theater & Ballroom on November 15, 2019.
9. Upon information and belief, Defendant AEG Presents Ohio, LLC employed individuals at the Agora Theater & Ballroom, including the security personnel who caused the injury to Plaintiff, on November 15, 2019.

The Anschutz Corporation

10. Upon information and belief, Defendant The Anschutz Corporation is a Colorado Corporation not registered to conduct business in Ohio.
11. Upon information and belief, Defendant The Anschutz Corporation owned, operated, managed, maintained, and/or conducted business at the Agora Theater & Ballroom on November 15, 2019.
12. Upon information and belief, Defendant The Anschutz Corporation employed individuals at the Agora Theater & Ballroom, including the security personnel who caused the injury to Plaintiff, on November 15, 2019.

Anschutz Entertainment Group, Inc.

13. Upon information and belief, Defendant Anschutz Entertainment Group, Inc. is a Colorado Corporation not registered to conduct business in Ohio.
14. Upon information and belief, Defendant Anschutz Entertainment Group, Inc. owned, operated, managed, maintained, and/or conducted business at the Agora Theater & Ballroom on November 15, 2019.

15. Upon information and belief, Defendant Anschutz Entertainment Group employed individuals at the Agora Theater & Ballroom, including the security personnel who caused the injury to Plaintiff, on November 15, 2019.

FACTS

16. On November 15, 2019, Plaintiff was attending a concert at The Agora Theater and Ballroom (the "Agora").
17. At that time, bouncers employed by Defendants were present along with many patrons as the premises was very crowded.
18. At all times relevant herein, the bouncers were acting within the course and scope of their employment for Defendant(s).
19. Upon entering the premises, Plaintiff was directed to the general admission floor.
20. At some point during the concert, Plaintiff left the area to purchase beverages for himself and a friend.
21. As Plaintiff attempted to re-enter the general admission floor, an unknown bouncer was running the security checkpoint.
22. After stopping Plaintiff, and although Plaintiff was not acting inappropriately, the unknown bouncer physically pushed Plaintiff through a crowd of people.
23. The unknown bouncer's excessive force to Plaintiff caused him to sustain serious leg injury as well as a loss of consciousness.

COUNT I - *Negligence*

24. Plaintiff incorporates and restates all the preceding and subsequent allegations as if fully restated herein.

25. Defendants owed Plaintiff the duty of reasonable care, including the duty to protect Plaintiff from known dangers.
26. Defendants had a duty to act reasonably in providing a safe environment for Plaintiff and all other attendees and to take reasonable security measures and precautions as necessary to protect attendees.
27. Defendants had a duty to Plaintiff and all other invitees to adopt and enforce policies and procedures reasonably designed to keep invitees safe while at the Agora and to properly train and supervise employees, including bouncers, how to safely operate the establishment.
28. Defendants had a duty not to employ individuals whose background, personality, or disposition put patrons at risk of injury.
29. Defendants knew or should have known that the bouncer who injured Plaintiff was a violent and/or unpredictable person likely to cause injury to Plaintiff or other patrons.
30. Defendants, by and through the actions of their bouncers who were acting within the course and scope of their employment with Defendants, acted negligently and breached their duties to Plaintiff by employing excessive force against Plaintiff and causing him serious injury.
31. Defendants were negligent in failing to properly train and supervise the bouncer who caused Plaintiff injury.

32. Defendants were negligent in hiring and retaining the bouncer who caused Plaintiff's injuries despite Defendants' knowledge that the bouncer was likely to cause injuries to patrons of the Agora.

33. Defendants acted negligently and further breached their duties by failing to provide a safe environment and failing to adopt and enforce policies and procedures reasonably designed to keep attendees safe.

34. The actions of the bouncer in seriously injuring Plaintiff was foreseeable in light of the overcrowded premises and overly physical nature of the bouncers at the event.

35. It was further foreseeable at the time of Plaintiff's injury that attendees would be accosted, assaulted, and/or injured while at The Agora.

36. Defendants acted with a conscious disregard for Plaintiff's rights and safety which actions had the great probability of causing, and did cause, substantial bodily harm to Plaintiff.

37. As a direct and proximate result of Defendants' negligence, Plaintiff suffered serious injuries and damages, the full extent of which will be proven at trial.

WHEREFORE, Plaintiff prays for judgment in his favor and against the Defendants, in an amount in excess of \$25,000.00, which will fully and fairly compensate Plaintiff, together with costs, expenses, attorney fees, punitive damages, pre-judgment interest and any other relief this Court deems just, equitable and/or appropriate.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES TRIABLE OF
RIGHT BY A JURY.**

Respectfully submitted,



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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BENJAMIN SYNBORSKI,

Plaintiffs,

vs.

AEG PRESENTS, LLC, et al.,

Defendants..

CASE NO. CV 21 944572

JUDGE RICHARD A. BELL

**STIPULATION AS TO PARTIES AND
NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO OHIO
RULE OF CIVIL PROCEDURE
41(A)(1) OF DEFENDANTS AEG
PRESENTS, LLC, THE ANSCHUTZ
CORPORATION, AND ANSCHUTZ
ENTERTAINMENT GROUP, INC.**

For the purposes of this lawsuit only, the Plaintiff and Defendants stipulate as follows:

(1) AEG Presents Ohio, LLC is the only entity that owned, operated, managed, and/or conducted business at the Agora Theater & Ballroom on November 15, 2019 as alleged in Plaintiff's Complaint.

(2) Defendants AEG Presents, LLC, The Anschutz Corporation, and Anschutz Entertainment Group, Inc. did not own, operate, manage, and/or conduct business at the Agora Theater & Ballroom on November 15, 2019 as alleged in Plaintiff's Complaint.

(3) Plaintiff voluntarily dismisses Defendants AEG Presents, LLC, The Anschutz Corporation, and Anschutz Entertainment Group, Inc. without prejudice with leave to re-file pursuant to the provisions of Rule 41(A)(1)(a) of the Ohio Rules of Civil Procedure.

(4) The claims against Defendant AEG Presents Ohio, LLC remains pending.

IT IS SO STIPULATED.

/s/ Eric W. Henry

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Attorney for Plaintiffs

/s/ Jessica Sanderson

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*Attorneys for Defendants AEG Presents
Ohio, LLC, Defendants AEG Presents, LLC,
The Anschutz Corporation, and Anschutz
Entertainment Group, Inc.*

PROOF OF SERVICE

I hereby certify that the foregoing has been filed electronically on March 29, 2021. Notice of this filing will be sent by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's system. In addition, a copy was served via email on counsel of record as follows: Eric Henry - eric@erichenrylaw.com.

/s/ Jessica L. Sanderson

Jessica L. Sanderson (0090181)